

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RICARDO LOPEZ, BARBARA JEAN §	No. 5:20-CV-218-DAE
SAENZ, JEANNETTE DIANA §	
GODDARD, §	
Plaintiff, §	
§	
vs. §	
AQUA FINANCE, CONNEXUS §	
CREDIT UNION, ENERFUZE LLC, §	
§	
Defendants. §	
§	
§	

**ORDER DIRECTING PLAINTIFF TO MOVE FOR DEFAULT AND TO
PROVIDE STATUS UPDATE**

The matter before the Court is the status of this case. A complaint was filed against Defendants on February 24, 2020. (Dkt. # 1.) The docket in this case indicates that service was returned executed on Defendants Aqua Finance and Connexus Credit Union on May 28, 2020. (Dkts. ## 9, 10.) Since that time, these Defendants have not filed an answer or other responsive pleading within the time required for such. See Fed. R. Civ. P. 12(a)(1)(A). However, no action has been taken by Plaintiffs to move for an entry of default or default judgment against these Defendants.

Local Rule CV-55 states that “[i]f a defendant is in default, the court may require the plaintiff to move for entry of default and a default judgment. If the plaintiff fails to do so within the prescribed time, the court may dismiss the action, without prejudice, as to the defendant.” W.D. Tex. Local Rule CV-55.

In accordance with Local Rule CV-55, the Court **ORDERS** Plaintiff to move for an entry of default and a default judgment against Defendant in accordance with Rule 55 of the Federal Rules of Civil Procedure, **within twenty-one days of the date of this Order**. Failure to do so will result in the Court’s dismissal of Plaintiff’s claims without prejudice.

Additionally, Plaintiffs notified the Court on September 28, 2020, that they expected to file their proof of service on the remaining Defendant Enerfuze LLC, on or before October 20, 2020. (Dkt. # 12.) The docket does not reflect that service has yet occurred on this defendant despite being given extra time to comply. Accordingly, Plaintiffs are **ORDERED** to file a proof of service on the remaining Defendant in this case pursuant to Rule 4(m) **within fourteen days of the date of this Order**, or the Court will dismiss this Defendant without prejudice.

IT IS SO ORDERED.

DATED: San Antonio, Texas, October 23, 2020.



David Alan Ezra
Senior United States District Judge